

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

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U.S. DISTRICT COURT

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ROGER LIVERMAN, SR.

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TEXAS-EASTERN

V.

CASE NO. 4:06CV64
(Judge ^{BY} Scell /Judge Bush)

JOSEPH D. BROWN, CRIMINAL
DISTRICT ATTORNEY, GRAYSON
COUNTY

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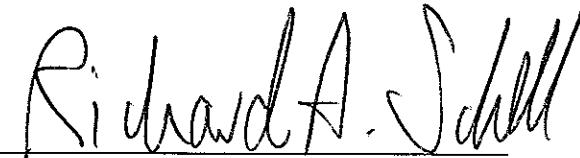
MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

Came on for consideration the Report of the United States Magistrate Judge in this action, this matter having been heretofore referred to United States Magistrate Judge Don D. Bush pursuant to 28 U.S.C. § 636. On May 19, 2006, the Magistrate Judge entered his Report containing his proposed findings of fact and recommendation that Defendant's Second Motion to Dismiss Under Rule 12(b)(6) be granted.

The Court, having made a *de novo* review of the objections raised by Plaintiff, is of the opinion that the findings and conclusions of the Magistrate Judge are correct and the objections of the Plaintiff are without merit. Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this Court. It is, therefore,

ORDERED, ADJUDGED and DECREED that Defendant's Motion to Dismiss Under Rule 12(b)(6) is **GRANTED** and the above titled and numbered cause of action is **DISMISSED**.

Signed the 12th day of June, 2006


RICHARD A. SCELL
UNITED STATES DISTRICT JUDGE